

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**IN RE:**

**LEGENDARY FIELD  
EXHIBITION, LLC, ET AL,  
  
DEBTORS.**

**CASE NO. 19-50900-CAG-7**

**CHAPTER 7**

**COLTON SCHMIDT, INDIVIDUALLY  
AND ON BEHALF OF OTHERS  
SIMILARLY SITUATED; AND REGGIE  
NORTHRUP, INDIVIDUALLY AND ON  
BEHALF OF OTHERS SIMILARLY  
SITUATED,**

**PLAINTIFFS,**

**AAF PLAYERS, LLC, THOMAS DUNDON,  
CHARLES “CHARLIE” EBERSOL,  
LEGENDARY FIELD EXHIBITIONS,  
LLC, AAF PROPERTIES, LLC, EBERSOL  
SPORTS MEDIA GROUP, INC. AND  
DOES 1 THROUGH 200, INCLUSIVE,**

**DEFENDANTS.**

**ADV. PROC. NO. 19-05053**

**SECOND UPDATED JOINT STATUS REPORT**

As a follow up to the Updated Joint Status Report filed on March 18, 2022, Plaintiffs Colton Schmidt and Reggie Northrup, individually and on behalf of others similarly situated, (collectively “Plaintiffs”), Randolph N. Osherow (“Trustee”), the duly appointed Chapter 7 Trustee of the jointly administered bankruptcy estates of AAF Players, LLC, Legendary Field Exhibitions, LLC, AAF Properties, LLC, and Ebersol Sports Media Group, Inc. (the entities are referred to collectively as “Debtors”) and Defendant Thomas Dundon (“Dundon”) submit this Second Updated Joint Status Report:

1. On February 8, 2022, the Court held a hearing on the Joint Motion for (1) Final Approval of the Settlement Agreement; (2) Class Certification Pursuant to Settlement Agreement; (3) Appointment of Class Counsel and Class Representatives Pursuant to Settlement Agreement; and (4) Approval of Compensation for Class Counsel and Service Awards for Class Representatives. During the final settlement hearing, the Court instructed Plaintiffs and Dundon to provide a status report to the Court within 30 days, by March 10, 2022.

2. On March 10, 2022, the Plaintiffs, the Trustee on behalf of the Debtors, and Dundon filed a Joint Status Report, updating the Court on the procedural status of the case and informing the Court of the parties working together to draft a scheduling order to conclude Phase I of discovery, covering class certification issues.

3. On March, 18, 2022, the parties further updated the Court on the procedural status of the case and informed the Court of the parties' intention to submit a proposed scheduling order to the Court, along with any other updates, by March 29, 2022.

4. The parties conferred over these items and reached an impasse. Despite the impasse, it cannot be overstated how the parties have worked together professionally and worked cooperatively to address difficulties that have arisen, which the Court and the parties could not have predicted.

5. Plaintiffs' position is that Dundon has informed the parties that he is interested in filing a further motion to dismiss on certain claims. Because such a motion, if granted, would further limit the claims at issue in the present litigation, Plaintiffs ask that the Court hear and decide Dundon's motion before this case proceeds further. Accordingly, Plaintiffs submit the following request:

- April 22, 2022 – deadline for Dundon to file the contemplated motion to dismiss;
- May 20, 2022 – deadline for any response to Dundon’s motion; and
- June 3, 2022 – deadline Dundon to file any reply in support of his motion.

6. Dundon respectfully asks the Court to instruct the parties to move forward to complete Phase 1 discovery, class certification issues, in accordance with the scheduling order in the form attached hereto as **Exhibit A**.

7. Dundon has waited patiently for nearly six months since the Court issued a stay, during which time Plaintiffs and the other settling parties completed the requirements of their settlement. The Court approved the final settlement nearly two months ago, and Dundon is eager to conclude the very few items left in phase discovery, as this case has been pending for nearly three years to date.

8. In addition, Dundon is prepared to file his motion to dismiss this week, and his motion will ask the Court to dispose of the two remaining causes of action asserted against him. Dundon’s proposed schedule would not impede the parties’ few remaining class certification discovery items. Even if the Court is not inclined to grant Dundon’s forthcoming motion, the issue of only class certification would be extended well past three years since the case’s inception under Plaintiffs’ proposal or even an accelerated version of that proposal.

9. Dundon conferred with the Trustee’s counsel, who is not opposed to Dundon’s scheduling proposal.

Respectfully submitted,

**PLAINTIFFS COLTON SCHMIDT AND REGGIE NORTHRUP,  
INDIVIDUALLY AND ON BEHALF OF OTHERS SIMILARLY SITUATED**

*/s/ Jonathon Farahi*

**Boris Treyzon** (CA SBN 18893)  
**Jonathon Farahi** (CA SBN 324316)

**Nicole L. Williams** (SBN 24041784)  
**Katharine Battaia Clark** (SBN 24046712)  
**John P. Atkins** (SBN 24097326)

**Abir Cohen Treyzon Salo, LLP**  
16001 Ventura Boulevard, Suite 200  
Encino, California 91436  
Phone: (424) 288-4367  
Fax: (424) 288-4368  
[btreyzon@actslaw.com](mailto:btreyzon@actslaw.com)  
[jfarahi@actslaw.com](mailto:jfarahi@actslaw.com)

**Thompson Coburn LLP**  
2100 Ross Avenue, Suite 3200  
Dallas, Texas 75201  
Phone: (972) 629-7100  
Fax: (972) 629-7171  
[nwilliams@thompsoncoburn.com](mailto:nwilliams@thompsoncoburn.com)  
[KClark@ThompsonCoburn.com](mailto:KClark@ThompsonCoburn.com)  
[JAtkins@thompsoncoburn.com](mailto:JAtkins@thompsoncoburn.com)

**DEFENDANT THOMAS DUNDON**

*/s/ Brent D. Hockaday*

**Brent D. Hockaday** (SBN 24071295)  
**Jeffrey S. Lowenstein** (SBN 24007574)  
**Brent A. Turman** (SBN 24077506)

**Patrick H. Autry** (SBN 01447600)

**Bell Nunnally & Martin**  
2323 Ross Avenue, Suite 1900  
Dallas, Texas 75201  
Phone: (214) 740-1400  
Fax: (214) 740-1499  
[bhockaday@bellnunnally.com](mailto:bhockaday@bellnunnally.com)  
[jlowenstein@bellnunnally.com](mailto:jlowenstein@bellnunnally.com)  
[bturman@bellnunnally.com](mailto:bturman@bellnunnally.com)

**Branscomb, PLLC**  
4360 North Loop 1604 W.  
San Antonio, Texas 78249  
Phone: (210) 598-5400  
[pautry@branscomblaw.com](mailto:pautry@branscomblaw.com)

**TRUSTEE AND DEBTORS**

*/s/ Brian S. Engel*

**Brian S. Engel**  
**Barrett Daffin Frappier Turner & Engel**  
580 La Ventana Pkwy.  
Driftwood, Texas 78619  
[brianen@bdfgroup.com](mailto:brianen@bdfgroup.com)

**CERTIFICATE OF SERVICE**

I certify on March 29, 2022, I served the foregoing document with the counsel of record by electronic means.

Boris Treyzon  
Jonathon S. Farahi  
Abir Cohen Treyzon Sala, LLP  
16001 Ventura Blvd., Suite 200  
Encino, CA 91436  
Email: [JFarahi@actslaw.com](mailto:JFarahi@actslaw.com)  
Email: [btreyzon@actslaw.com](mailto:btreyzon@actslaw.com)

Brian S. Engel  
Barrett Daffin Frappier Turner & Engel  
580 La Ventana Pkwy.  
Driftwood, TX 78619  
Email: [brianen@bdfgroup.com](mailto:brianen@bdfgroup.com)

*Counsel for Trustee Randolph N. Osherow*

AND

Nicole L. Williams  
Katharine Battaia Clark  
John P. Atkins  
Thompson Coburn LLP  
2100 Ross Avenue, Suite 3200  
Dallas, TX 75201  
Email: [nwilliams@thompsoncoburn.com](mailto:nwilliams@thompsoncoburn.com)  
Email: [kclark@thompsoncoburn.com](mailto:kclark@thompsoncoburn.com)  
Email: [jatkins@thompsoncoburn.com](mailto:jatkins@thompsoncoburn.com)

*Counsel for Plaintiffs*

/s/ Brent D. Hockaday  
Brent D. Hockaday